

REMARKS

Claims 1–8 and 24–36 are pending, with claims 1, 24 and 29 being the only independent claims. Claims 1-8 and 24-36 were rejected in the Office Action of July 17, 2004. Claim 1 is amended herein to correct a spelling error. No new matter has been added.

In the Office Action, the Examiner rejected claims 1-5 and 8 under 35 USC 103 as being unpatentable over Flick in view of Giessl. The Examiner further rejected claims 6-7 under 35 USC 103 as being unpatentable over Flick in view of Giessl and further in view of Konrad. These rejections respectfully are traversed.

According to the Examiner, Flick teaches every element except "data associated with the user indicates the limits on the use of the vehicle subsystem including the plurality of hydraulic actuators." The Examiner stated that Giessl teaches controlling operation of the vehicle with data from a transponder by downloading data from the transponder indicating the operator and limiting the functionality of the vehicle based on the downloaded data.

Flick teaches a vehicle theft deterrent system or security system that enables or disables fuel, ignition, starting, or door circuits (see FIGS 4-6D) based upon data received from an automobile ignition key or smart card.

Giessl teaches a system for preventing theft of an automobile by a lost or stolen key by sending data from a remote central station to the automobile itself and comparing that data with data on an automobile ignition key. If the key is authorized, the Giessl system permits the door to be opened and the engine started.

Konrad teaches a device for checking user authorization for access control devices such as locking devices for vehicles.

Claim 1 is directed to a method of controlling the operation of a vehicle and recites, among other things, a vehicle including a radio communications circuit coupled to a microprocessor-based controller, the circuit being configured to communicate with a vehicle operator's handheld radio frequency transponder, the controller configured to control at least *a plurality of hydraulic actuators*. The method includes transmitting data from the transponder after a step of energizing the transponder, the data being associated with the operator and indicating limits on use of the vehicle, the limits including a subsystem the operator is permitted to use, *the subsystem including the plurality of hydraulic actuators*, and controlling at least one subsystem of the vehicle in response to the data received at the radio communications circuit including the step of the controller *responsively disabling at least one subsystem*.

Applicants submit that none of the applied references teaches or suggests all of the above-noted features. Giessl teaches automobile use information used for door opening and engine starting. See Giessl, column 4, lines 57-60. Similarly, Flick is directed to controlling fuel, ignition, starting circuit or doors of an automobile. See Flick, FIGURES 4-6D and supporting text. Konrad teaches devices for checking user authorization for access control devices such as locking devices for vehicles that prevent vehicle thefts. Konrad teaches a special security system for detecting whether additional automobile ignition keys have been made in an attempt to defraud an insurance company. See Konrad, Abstract and col. 2, line 43 to col. 3, line 26.

Neither Flick, Giessl or Konrad teach limits on use of a subsystem including hydraulic actuators that are transmitted from a transponder as recited in Claim 1 above.

For at least these reasons, the applicants respectfully request that the Examiner withdraw his rejection of claims 1-8 based variously on Flick, Giessl and Konrad.

The Examiner rejected claims 24-35 under 35 USC 103 as being unpatentable over Murphy in view of Rocke and further in view of Giessl. The Examiner also rejected claim 36 under 35 USC 103 as being unpatentable over Murphy in view of Rocke in view of Giessl, and further in view of Doyle. These rejections are respectfully traversed.

Murphy teaches a control system for allowing a vehicle to be driven for a particular time, for a particular mileage, at a particular location, and at particular speeds, based upon biological information, or indicium on a token or card or personal information entered with a keypad (Abstract, Murphy).

Rocke teaches a control system for an earthworking machine, including control levers and an operator interface that provide direct control of hydraulic lift cylinders and tilt cylinders.

Giessl teaches a device and method for preventing vehicle theft by preventing the vehicle's doors from being opened and its engine from being started.

Doyle teaches a satellite-based monitoring system for monitoring a fleet of trucks.

Regarding independent claim 24, none of the four references alone or in combination teach transmitting a "first authorized degree of access" and "second authorized degree of access" from first and second "transponders" that "represent *different degrees of control of the plurality of hydraulic actuators.*"

Regarding independent claim 29, none of the four references alone or in combination teach sending "data" "from the first transponder" and "the second transponder" that indicate "*the level of control of a hydraulic subsystem* given to first and second user[s], respectively".

For at least the above reasons the Applicants in respectfully request that the Examiner withdraw his rejection of claims 24-36 under 35 USC 103.

Information Disclosure Statement

The Applicants filed an information disclosure statement on November 14, 2003 well before the first Office Action was mailed on December 5, 2003. The applicants have requested at least twice that the Examiner consider the references cited in the IDS.

The Examiner has said nothing regarding the IDS, nor has the Examiner provided the Applicants with a copy of the IDS showing he has considered the references.

As a courtesy to the Examiner, the Applicants enclose a duplicate of the IDS previously filed November 14, 2003. Applicants again ask the Examiner to consider the references listed on the original IDS (or on the enclosed duplicate) and provide the applicants with an initialed copy showing those references have been considered. If the Examiner refuses to or cannot consider the references for some reason unknown to us, we kindly ask the Examiner for the courtesy of a simple explanation.

Amendment

The only amendment made herein is correcting the spelling of the word "plurality" in Claim 1. This adds no new matter.

Conclusion

Applicants believe that no fee is due in association with this Amendment.

However, should it be determined that any fee is due, the Commissioner is authorized to charge Deposit Account No. 14-0780.

Applicants' undersigned attorney may be reached by telephone at 901-309-3068.

Respectfully submitted,



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